



COPY OF PAPERS
ORIGINALLY FILED

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: David B. Annan et al.
Serial No.: 09/981,777
Filed: October 16, 2001

Examiner: Not Yet Assigned
Group Art Unit: 2681
Docket: 50036.9USU1
Confirmation No.: 6684

RECEIVED
APR 15 2002
OFFICE OF PETITIONS

Title: METHOD AND SYSTEM FOR WIRELESS AUDIO MESSAGE DELIVERY

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence and the paper(s), as described herein, are being deposited in the United States Postal Service, as first class mail, with sufficient postage, in an envelope addressed to: BOX PETITIONS Commissioner for Patents, Washington, D.C. 20231, on March 26, 2002.

By: 

John W. Branch

BOX PETITIONS
Commissioner for Patents
Washington, D.C. 20231

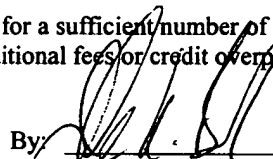
Sir:

We are transmitting herewith the attached:

- ☒ Transmittal Sheet in duplicate containing Certificate of Mailing
- ☒ Three (3) Petitions Under 37 CFR 1.47(a) Regarding Unreachable Inventors
- ☒ Three (3) Declarations Under 37 CFR 1.47(a) Regarding Unreachable Inventors
- ☒ Check in the amount of \$390 for Petition fees
- ☒ Return postcard

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers or any future reply, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate of this sheet is enclosed.

MERCHANT & GOULD P.C.
P.O. Box 2903, Minneapolis, MN 55402-0903
206.342.6200

By: 
Name: John W. Branch
Reg. No.: 41,633
JWB/JWK/aj



UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND

1 Date of Request: 06/12/02 2 Serial/Patent # 01/281777

3 Please refund the following fee(s):

4 PAPER
NUMBER

5 DATE
FILED

6 AMOUNT

Filing

Amendment

Extension of Time

Notice of Appeal/Appeal

☒ Petition

Issue

Cert of Correction/Terminal Disc.

Maintenance

Assignment

Other

3

4/11/02

\$ 260.00

7 TOTAL AMOUNT
OF REFUND

\$

8 TO BE REFUNDED BY:

Treasury Check

Credit Deposit A/C #:

9 1 3 -- 2 7 2 5

10 REASON:

☒ Overpayment

Duplicate Payment

No Fee Due (Explanation):

Applicant filed 3 157(a) petitions (3 x \$130) when only one was due. The refund is for the two extra fees.

11 REFUND REQUESTED BY:

TYPED/PRINTED NAME: Paul Shanowski

TITLE: Petition Attorney

SIGNATURE: Paul Shanowski

PHONE: 305-0011

OFFICE: Office of Petitions

THIS SPACE RESERVED FOR FINANCE USE ONLY:

APPROVED: _____

DATE: _____

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:

**Office of Finance
Refund Branch
Crystal Park One, Room 802B**

F Processing
(For Petitions Use Only)

App. No./Pat N .
09/981,777
Atty,Docket No./Cust. No.

11465.1

Paper Rec'd Date
4/11/02
Form Completed
6/11/02

Check Amt. #1

Check Amt. #2

Deposit Acct.
13 — 2725

F e Code	Fe Amt.	Paper #
122	\$130	3
122	\$130	3

Credit Card ☐ (See attached)

Refund ☒ (See attached)
(PTO Employee - please circle the code(s) and amount(s) to be refunded/credited)

Change App No./Pat. No. ☐

From

To

Change Fee Code ☐

From Code	Amount

To Code	Amount	Paper #

Special Instructions:

Please refund the deposit account as authorized. Thank you.



Initials (PTO Employee)

Initials (Contract r)

Date Processed

*****PLEASE REMOVE THIS FORM BEFORE SENDING FILE OUT OF THE OFFICE OF PETITIONS*****



COPY OF PAPERS
ORIGINALLY FILED

S/N 09/981,777

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	David B. Annan et al.	Examiner:	Not Yet Assigned
Serial No.:	09/981,777	Group Art Unit:	2681
Filed:	October 16, 2001	Docket No.:	50036.9USU1
Title:	METHOD AND SYSTEM FOR WIRELESS AUDIO MESSAGE DELIVERY		

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited in the United States Postal Service, as first class mail, with sufficient postage, in an envelope addressed to: BOX PETITIONS, Commissioner for Patents, Washington, D.C. 20231 on March 26, 2002.

By: 
Name: John W. Branch

PETITION UNDER 37 CFR §1.47(a) REGARDING UNREACHABLE INVENTOR

BOX PETITIONS
Commissioner for Patents
Washington, D.C. 20231

RECEIVED
APR 15 2002

OFFICE OF PETITIONS

Dear Sir:

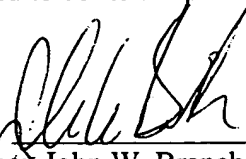
In accordance with the provisions of 37 CFR §1.47(a), it is respectfully requested that the above-identified patent application be accepted as complete with a partially executed Combined Declaration and Power of Attorney, which has been signed by three inventors, David B. Annan, Eric K. Chan, and William J. Schaefer, of the six listed inventors. Teresa L. Stephens is among the remaining three inventors, along with Eddie S. DeCurtis and George L. Lasota, Jr., that could not be found or reached after diligent effort.

Filed with this petition is a Declaration under 37 CFR §1.47(a), which provides the pertinent facts regarding the efforts made to locate Teresa L. Stephens to sign the Combined Declaration and Power of Attorney document. Additionally, we have enclosed copies of the Combined Declaration and Power of Attorney document as executed by David B. Annan, Eric K. Chan, and William J. Schaefer.

Teresa L. Stephens's last known address is 24 Bridge Street, Westport,
Connecticut 06880.

A check in the amount of \$130.00 is enclosed to cover the petition fee as required
by 37 CFR §1.17(h).

MERCHANT & GOULD P.C.
P.O. Box 2903, Minneapolis, MN 55402-0903
206.342.6200

By: 
Name: John W. Branch
Reg. No.: 41,633





COPY OF PAPERS
ORIGINALLY FILED

S/N 09/981,777

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	David B. Annan et al.	Examiner:	Not Yet Assigned
Serial No.:	09/981,777	Group Art Unit:	2681
Filed:	October 16, 2001	Docket No.:	50036.9USU1
Title:	METHOD AND SYSTEM FOR WIRELESS AUDIO MESSAGE DELIVERY		

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited in the United States Postal Service, as first class mail, with sufficient postage, in an envelope addressed to: BOX PETITIONS, Commissioner for Patents, Washington, D.C. 20231, on March 26, 2002.

By: 
Name: John W. Branch

BOX PETITIONS
Commissioner for Patents
Washington, D.C. 20231

RECEIVED

APR 15 2002

OFFICE OF PETITIONS

Dear Sir:

DECLARATION UNDER 37 CFR 1.47(a) REGARDING

UNREACHABLE INVENTOR

TABLE OF CONTENTS

Declaration Under 37 CFR 1.47(a) Regarding Unreachable Inventor

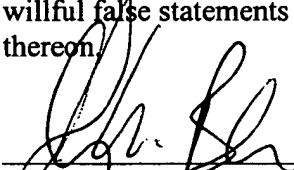
Declaration	Page 2-3
Assignment: inventors to GiantBear, Inc., dated October 16, 2001	Exhibit 1
Notice of Assignment of January 4, 2002.....	Exhibit 2
RCR Wireless News article posted January 9, 2002.....	Exhibit 3
Assignment: GiantBear, Inc. to InfoSpace, Inc., dated February 1, 2001 ..	Exhibit 4
E-mail string from Infospace, Inc.on February 5, 2002.....	Exhibit 5
Federal Express Receipt of February 6, 2002	Exhibit 6
Cover letter for correspondence of February 6, 2002	Exhibit 7
WhitePages.com Internet Search Results of March 11, 2002.....	Exhibit 8
InfoSpace.com Internet Search Results of March 11, 2002.....	Exhibit 9

I, John W. Branch, declare that:

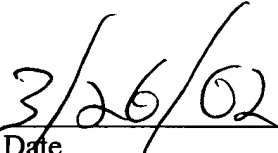
1. I am an attorney of the State of Washington given recognition pursuant to 37 CFR § 10.6 to prepare and prosecute patent applications before the United States Patent and Trademark Office.
2. I represent InfoSpace, Inc., a Delaware corporation, in prosecuting a patent application entitled METHOD AND SYSTEM FOR WIRELESS AUDIO MESSAGE DELIVERY, and assigned attorney docket number 50036.9USU1, Serial number 09/981,777, filed October 16, 2001.
3. I have personal knowledge of the matters set forth herein.
4. I am over the age of majority and am competent to be a witness in this matter.
5. On October 16, 2001, under previous counsel, an executed assignment for the above-identified patent application was mailed to the United States Patent and Trademark Office assigning right, title, and interest in the invention from the listed inventors to GiantBear, Inc., a New York corporation. The executed assignment was signed by Teresa L. Stephens on April 25, 2001. See Exhibit 1.
6. On January 4, 2002, a Notice of Recordation of Assignment Document was mailed from the United States Patent and Trademark Office indicating that the assignment included in Exhibit 1 was recorded on October 16, 2001 at Reel/Frame: 012274/0360 and included the six listed inventors. See Exhibit 2.
7. In December 2001, InfoSpace, Inc. acquired substantially all of the assets of GiantBear, Inc., as reported in an article by RCR Wireless News posted January 9, 2002. See Exhibit 3.
8. On February 1, 2002, I caused to be mailed to the United States Patent and Trademark Office an assignment executed on December 19, 2001 for the above-identified patent application that assigned right, title, and interest in the invention from GiantBear, Inc. to Infospace, Inc.. See Exhibit 4.
9. On February 5, 2002, InfoSpace, Inc., forwarded to my firm, Merchant & Gould, the most recent known address information for the six listed inventors of the above-identified patent application. The address information was obtained from Mary I. Babaja, the senior accountant at GiantBear, Inc.. See Exhibit 5.
10. On February 6, 2002, I caused to be mailed to Teresa L. Stephens via Federal Express a copy of the above-identified patent application along with a Combined Declaration and Power of Attorney, and a cover letter. A copy of the Federal Express Receipt is attached hereto. See Exhibit 6.
11. In the cover letter dated February 6, 2002, Teresa L. Stephens was asked to review a copy of the above-identified patent application. If the patent application met with his approval, we asked him to execute the Combined Declaration and Power of Attorney documents and return them to us for filing with the U.S. Patent and Trademark Office. See Exhibit 7.
12. No response was ever received from Teresa L. Stephens to the Federal Express communication sent on February 6, 2002.

13. On March 11, 2002, an Internet search was performed at Whitepages.com using their person locator service. No person living in the state of Connecticut under the name of Teresa Stephens was located using this service. See Exhibit 8.
14. On March 11, 2002, an Internet search was performed at Infospace.com using their phone number and address locator service. No person living in the state of Connecticut under the name of Teresa Stephens was located using this service. See Exhibit 9.
15. Teresa L. Stephens's last known address is:
24 Bridge Street
Westport, Connecticut 06880

I hereby declare under penalty of perjury under the laws of the United States of America that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the patent application or any patent issued thereon.



John W. Branch
Reg. No. 41,633



Date

10-26-2001

FORM PTO-1595
(Rev. 6-93) 11465.1RECORDATION FORM COVER SHEET
OMB N . 0651-0011 (exp. 4/94)
PATENTS ONLY

101887146

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents and copy thereof.

10/25/2001
09/981777

1. Name of conveying party(ies):

David B. Annan

Eric K. Chan

Eddie S. DeCurtis

Teresa L. Stephens

George L. Lasota, Jr.

William J. Schaefer

Additional name(s) of conveying party(ies) attached?
☐ Yes ☒ No

2. Name and address of receiving party:

Name: GIANTBEAR, INC.

Internal Address:

Street Address: 709 Westchester AvenueCity: White Plains State: New YorkZIP: 10604Additional name(s) & address(es) attached? ☐ Yes ☒ No

RECEIVED

APR 15 2002

OFFICE OF PETITIONS

3. Nature of conveyance:

- ☒
- Assignment
- ☐
- Merger
-
- ☐
- Security Agreement
- ☐
- Change of Name
-
- ☐
- Other

Execution Dates: April 10, 2001, April 12, 2001,
April 25, 2001 and June 20, 2001

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: October 16, 2001

A. Patent Application No.(s)

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Patrick J. HoeffnerInternal Address: Orrick, Herrington & Sutcliffe LLPStreet Address: 666 Fifth AvenueCity: New York State: New York ZIP: 101036. Total number of applications and patents involved: [1]7. Total fee (37 CFR 3.41).....\$ 40.00☐ Enclosed☒ Authorized to be charged to deposit account for any deficiency

8. Deposit account number: 15-0665

☒ (Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

10/25/2001 BYRME 00000215 150665 09981777

01 FC:581

40.00 CH

9. Stat ment and signature.

To the best f my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of th original document.

Patrick J. Hoeffner, Reg. No. 44,768

Name of P rson Signing


Signature

October 16, 2001

Dat

Total number of pages including cover sheet, attachments, and document: [10]

Mail documents to be recorded with required cover sheet information to:
Commissioner of Patents & Trademarks, Box Assignments Washington, D.C. 20231

RECEIVED
APR 15 2002
OFFICE OF PETITIONS

11465.31
WORLDWIDE

ASSIGNMENT

WHEREAS, the following persons:

Name (<i>first, middle, last</i>)	Residence
David B. Annan	1173 Middlegate Road Oakville, Ontario Canada L6M 1M5
Eric K. Chan	7840 Thormanby Crescent Richmond, BC Canada V7C 4G3
Eddie S. DeCurtis	1430 Bent Trail Circle Southlake TX 76092
Teresa L. Stephens	24 Bridge St. Westport, CT 06880
George L. Lasota, Jr	100 U.N. Plaza, 10F New York, NY 10017
William J. Schaefer	Mohawk Trail Charlemont, MA 01339

have made an invention entitled:

A METHOD AND SYSTEM FOR WIRELESS AUDIO MESSAGE DELIVERY

and

- ☐ is about to make application for United States Letters Patent therefor, the same being executed by me on an even date or dates herewith;
- ☒ have made application for United States Letters Patent thereof, filed under Serial Number 60/240,642 on October 16, 2000,

and

WHEREAS, GiantBear, Inc. having an office at 709 Westchester Avenue, White Plains, New York, 10604 and its successors, assigns and legal representatives, hereinafter called "the Assignee" (which term shall include its successors and assigns), desires to acquire said invention:

THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, we do hereby sell, assign and transfer to the Assignee our entire respective right, title and interest, in and throughout the United States of America (including its territories and dependencies) and all countries foreign thereto, in and to and under said invention, and in and to said application (which term shall include hereinafter, where the context so admits, all original, divisional, continuing, reissue and other patent applications based thereon and all applications the priority of which is claimed therein) and the improvements (which term shall include each and every such improvement or invention, or any part thereof) therein described, and any and all patents and like rights of exclusion (including extensions thereof) of any country which may be granted on or for said invention, said improvements or said application;

And for the same consideration we do also hereby sell, assign and transfer to the Assignee all rights under the International Convention for the Protection of Industrial Property and all other treaties of like purpose in respect of said invention, said improvements and said application and we do hereby authorize the Assignee to apply in our names or its own name for patents and like rights of exclusion on or for said invention and improvements in all countries, claiming (if the Assignee so desires) the priority of the filing date of said application under the provisions of said Convention or any such other treaty;

And for the same consideration we do hereby and severally agree for ourselves and for our heirs, executors and administrators, promptly upon request of the Assignee, to execute and deliver without further compensation any power of attorney, assignment, original, divisional, continuing, reissue or other application or applications for patent or patents or like rights of exclusion of any country, or other lawful documents and any further assurances that may be deemed necessary or desirable by the Assignee fully to secure to it said right, title, and interest as aforesaid in and to said invention, said improvements, and said several patents and like rights of exclusion, or any of them, all, however, at the expense of the Assignee;


And, in the event of our unavailability or the unavailability of myself, we do hereby authorize Assignee to file, or cause to be filed on our behalf, and in accordance with 37 C.F.R.

§1.41(c), any original, divisional, continuing, reissue or other application or applications for patent or patents or like rights of exclusion of any country, that may be deemed necessary or desirable by the Assignee fully to secure to it said right, title, and interest as aforesaid in and to said invention and said improvements, and we do hereby appoint Assignee attorney in fact to execute any documents on our behalf which may be necessary to accomplish the foregoing, all, however, at the expense of the Assignee;


And we do hereby authorize and request the Commissioner of Patents and Trademarks of the United States of America and the corresponding officer of each country foreign thereto to issue to the Assignee any and all patents and like rights of exclusion which may be granted in any country upon said application or on or for said invention or improvements;

And we do hereby covenant for ourselves and for our legal representatives and agree with the Assignee that we have granted no right or license to make, use or sell said improvements to anyone except the Assignee, that prior to the execution of this deed our right, title and interest in and to said improvements have not been otherwise encumbered, and that we have not executed and will not execute any instrument in conflict herewith.


IN WITNESS WHEREOF, we have set our hands and seals hereunto on the date specified below.


David B. Annán

Date: April 12, 2001


Eric K. Chan

Date: April 12, 2001


Eddie S. DeCurtis

Date: April 10, 2001


Teresa L. Stephens

Date: April 25, 2001

George L. Lasota, Jr

Date: April __, 2001


William J. Schaefer

Date: April 10, 2001

ASSIGNMENT

WHEREAS, the following persons:

Name (<i>first, middle, last</i>)	Residence
David B. Annan	1173 Middlegate Road Oakville, Ontario Canada L6M 1M5
Eric K. Chan	7840 Thormanby Crescent Richmond, BC Canada V7C 4G3
Eddie S. DeCurtis	1430 Bent Trail Circle Southlake TX 76092
Teresa L. Stephens	24 Bridge St. Westport, CT 06880
George L. Lasota, Jr	100 U.N. Plaza, 10F New York, NY 10017
William J. Schaefer	Mohawk Trail Charlemont, MA 01339

have made an invention entitled:

A METHOD AND SYSTEM FOR WIRELESS AUDIO MESSAGE DELIVERY

and

- ☐ is about to make application for United States Letters Patent therefor, the same being executed by me on an even date or dates herewith;
- ☒ have made application for United States Letters Patent thereof, filed under Serial Number 60/240,642 on October 16, 2000,

and

WHEREAS, **GiantBear, Inc.** having an office at **709 Westchester Avenue, White Plains, New York, 10604** and its successors, assigns and legal representatives, hereinafter called "the Assignee" (which term shall include its successors and assigns), desires to acquire said invention:

THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, we do hereby sell, assign and transfer to the Assignee our entire respective right, title and interest, in and throughout the United States of America (including its territories and dependencies) and all countries foreign thereto, in and to and under said invention, and in and to said application (which term shall include hereinafter, where the context so admits, all original, divisional, continuing, reissue and other patent applications based thereon and all applications the priority of which is claimed therein) and the improvements (which term shall include each and every such improvement or invention, or any part thereof) therein described, and any and all patents and like rights of exclusion (including extensions thereof) of any country which may be granted on or for said invention, said improvements or said application;

And for the same consideration we do also hereby sell, assign and transfer to the Assignee all rights under the International Convention for the Protection of Industrial Property and all other treaties of like purpose in respect of said invention, said improvements and said application and we do hereby authorize the Assignee to apply in our names or its own name for patents and like rights of exclusion on or for said invention and improvements in all countries, claiming (if the Assignee so desires) the priority of the filing date of said application under the provisions of said Convention or any such other treaty;

And for the same consideration we do hereby and severally agree for ourselves and for our heirs, executors and administrators, promptly upon request of the Assignee, to execute and deliver without further compensation any power of attorney, assignment, original, divisional, continuing, reissue or other application or applications for patent or patents or like rights of exclusion of any country, or other lawful documents and any further assurances that may be deemed necessary or desirable by the Assignee fully to secure to it said right, title, and interest as aforesaid in and to said invention, said improvements, and said several patents and like rights of exclusion, or any of them, all, however, at the expense of the Assignee;

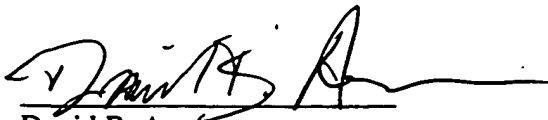
And, in the event of our unavailability or the unavailability of myself, we do hereby authorize Assignee to file, or cause to be filed on our behalf, and in accordance with 37 C.F.R.

§1.41(c), any original, divisional, continuing, reissue or other application or applications for patent or patents or like rights of exclusion of any country, that may be deemed necessary or desirable by the Assignee fully to secure to it said right, title, and interest as aforesaid in and to said invention and said improvements, and we do hereby appoint Assignee attorney in fact to execute any documents on our behalf which may be necessary to accomplish the foregoing, all, however, at the expense of the Assignee;

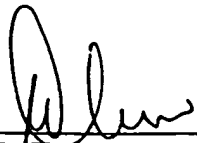
And we do hereby authorize and request the Commissioner of Patents and Trademarks of the United States of America and the corresponding officer of each country foreign thereto to issue to the Assignee any and all patents and like rights of exclusion which may be granted in any country upon said application or on or for said invention or improvements;

And we do hereby covenant for ourselves and for our legal representatives and agree with the Assignee that we have granted no right or license to make, use or sell said improvements to anyone except the Assignee, that prior to the execution of this deed our right, title and interest in and to said improvements have not been otherwise encumbered, and that we have not executed and will not execute any instrument in conflict herewith.


IN WITNESS WHEREOF, we have set our hands and seals hereunto on the date specified below.


David B. Annán

Date: April 12, 2001


Eric K. Chan

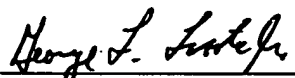
Date: April 12, 2001


Eddie S. DeCurtis

Date: April 10, 2001


Teresa L. Stephens

Date: April 25, 2001


George L. Lasota, Jr

June 20
Date: ~~April~~ 20, 2001


William J. Schaefer

Date: April 10, 2001



JANUARY 04, 2002

PTAS
ORRICK, HERRINGTON & SUTCLIFFE, LLP
PATRICK J. HOFFNER
666 FIFTH AVENUE
NEW YORK, NY 10103

Chief Financial Officer and Chief Administrative Officer
Washington, DC 20231
www.uspto.gov



101887146A

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 10/16/2001

REEL/FRAME: 012274/0360
NUMBER OF PAGES: 10

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

ANNAN, DAVID B.

DOC DATE: 04/12/2001

ASSIGNOR:

CHAN, ERIC K.

DOC DATE: 04/12/2001

ASSIGNOR:

DECURTIS, EDDIE S.

DOC DATE: 04/10/2001

ASSIGNOR:

STEPHENS, TERESA L.

DOC DATE: 04/25/2001

ASSIGNOR:

LASOTA, GEORGE L. JR.

DOC DATE: 06/20/2001

ASSIGNOR:

SCHAEFER, WILLIAM J.

DOC DATE: 04/10/2001

ASSIGNEE:

GIANTBEAR, INC.
709 WESTCHESTER AVENUE
WHITE PLAINS, NEW YORK 10604

EXHIBIT 2

11465.1A
msf

012274/0360 PAGE 2

SERIAL NUMBER: 09981777
PATENT NUMBER:

FILING DATE: 10/16/2001
ISSUE DATE:

LAZENA MARTIN, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS



Featuring three core conference
with spatial technology in communication

- Home
- Log In And Register For Email Alerts
- Subscribe Now
- Search



• 20 Years of RCR



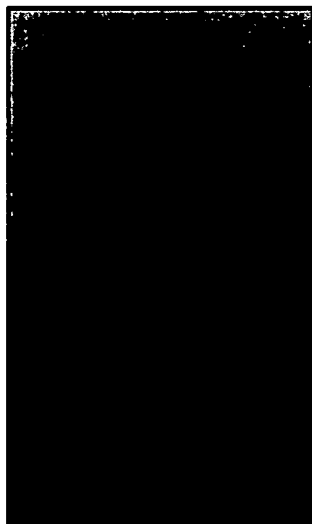
Breaking News
Current Issue



Archives
CTIA Wireless 2002
Databases
Industry Links
People & Products
About RCR
Our Products
By The Numbers
Events Calendar
Classifieds:
Careers
Marketplace



Advertising
Contact Us
Editorial Team
Our Products
Staff List



Breaking News

InfoSpace acquires GiantBear

Jan. 09, 2002 4:09 PM EST

BELLEVUE, Wash.—Consolidation in the wireless Internet space continued its frantic pace as wireless application and platform giant InfoSpace Inc. announced it acquired "substantially all" of the assets of GiantBear Inc., a wireless technology and service provider.

GiantBear launched in early 2000, promising to offer Web-to-wireless services and personalized content and alerts.

InfoSpace said it gained a variety of new value-added multimedia information and entertainment technologies in the acquisition, as well as new customer relationships with wireless operators in the United States and overseas. Financial terms of the deal were not disclosed.

Specifically, InfoSpace said it gained GiantBear's personalized SMS technology, which allows customers to request information by pressing the "pound" key twice, followed by a pre-configured number. InfoSpace said it also scored GiantBear's Streaming Wireless Audio Technology, which the company said will enhance its wireless entertainment services.

"The GiantBear acquisition provides our customers with innovative new technologies designed to help drive usage of data services and brings to InfoSpace new customer relationships and some great people," said Jan Claesson, InfoSpace's executive vice president of wireless.

Other recent wireless Internet and wireless data shuffles include EarthLink's acquisition of OmniSky Corp. and the collapse of YadaYada Inc. and 2Roam.

Current I
Departm

Cover St
News
Opini n
Business
Global W
People
Products



Edit ri

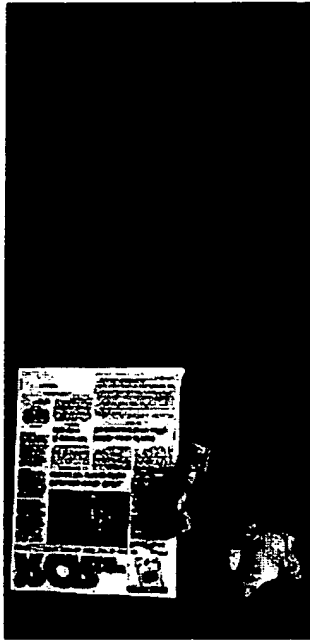
- Ascend
- DAX
- IDT
- Mitsub
- T-Mobi
- Toshib
- UrbanG
- Verizo
- Vodafo
- Winsta



<< BACK

email | print | back to top

EXHIBIT 3



[Search Archives](#)

[RCR Wireless](#)

[Contact Us](#)

[Privacy Policy](#)

[Home](#) / [Subscribe](#) / [Search Archives](#) / [Contact Us](#)

Entire contents © 2002 Crain Communications, Inc. Use of editorial content without permission is strictly prohibited. All Rights Reserved. Privacy Policy. Disclaimer.

RECORDATION FORM COVER SHEET
PATENTS ONLY

U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office

To the Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

GiantBear, Inc.

2. Name and address of receiving party(ies):

InfoSpace, Inc.
601 - 108th Avenue NE
Suite 1200
Bellevue, Washington 98004

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

Additional name(s) & address(es) attached? ☐ Yes ☒ No

3. Nature of conveyance:

- ☒ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name
☐ Other:

Execution Date: December 19, 2001

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No.(s)

09/981,777

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: John W. Branch
Address: Merchant & Gould P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41): \$40.00

- ☒ Enclosed
☐ Authorized to be charged to deposit account

8. Please charge any additional fees or credit any overpayments to our Deposit account number: 13-2725

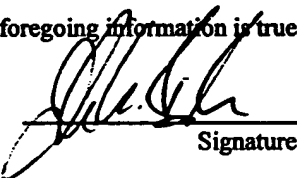
DO NOT USE THIS SPACE

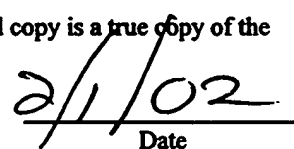
9. Statement and signature:

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

John W. Branch, Reg. No. 41,633

Name of Person Signing


Signature


Date

Total number of pages including cover sheet, attachments, and document: 3

Do not detach this portion

Mail documents to be recorded with required cover sheet information to:

Box Assignments
Director - U.S. Patent and Trademark Office
Washington, D.C. 20231

Public burden reporting for this sample cover sheet is estimated to average about 30 minutes per document to be recorded, including time for reviewing the document and gathering the data needed, and completing and reviewing the sample cover sheet. Send comments regarding this burden estimate to the U.S. Patent and Trademark Office, Office of information systems, PK2-1000C, Washington, D.C. 20231, and to the Office of Management and Budget, Paperwork Reduction Project (0651-0011), Washington, D.C. 20503.

ASSIGNMENT OF PATENT APPLICATIONS

WHEREAS, GiantBear, Inc., a Delaware Corporation, having a place of business at 711 Westchester Avenue, White Plains, New York 10604, U.S.A. (hereinafter the "CONVEYING PARTY"), is the present assignee in interest of certain new and useful improvements in the following applications for Letters Patent of the United States and designated in the referenced PCT Applications:

- **A METHOD AND SYSTEM FOR WIRELESS AUDIO MESSAGE DELIVERY, Serial No. 09/981,777 (filed on October 16, 2001), based on Provisional Patent Application, Serial No. 60/240,642 (filed on October 16, 2000), assigned to the CONVEYING PARTY pursuant to an assignment document filed in the United States Patent and Trademark Office on October 16, 2001; PCT Application related thereto (PCT/US01/32332, filed on October 16, 2001); and**
- **A METHOD AND SYSTEM FOR CUSTOMIZING A MENU OF A COMMUNICATION DEVICE, Serial No. 09/552,269 (filed on April 19, 2001) as recorded by the Assignment Division of the United States Patent and Trademark Office on May 14, 2001, at Reel No. 11802, Frame No. 524; PCT Application related thereto (PCT/US01/12779, filed on April 19, 2001).**

AND WHEREAS, InfoSpace, Inc., a Delaware corporation, having a place of business at 601-108th Avenue NE, Suite 1200, Bellevue, WA 98004 (hereinafter the "RECEIVING PARTY"), is desirous of acquiring the entire right, title and interest in the same;

NOW, THEREFORE, effective on December 19, 2001, for good and valuable consideration, the receipt of which is hereby acknowledged, the CONVEYING PARTY does hereby sell, assign and transfer unto ASSIGNEE its entire right and title to and interest in said applications and inventions in the United States, and in those countries designated or yet to be designated in the above-referenced PCT Applications, and the entire right, title and interest in and to any and all Patents which may be granted therefore in the United States and in those countries designated or yet to be designated in the above-referenced PCT Applications. The CONVEYING PARTY hereby authorizes and requests the Commissioner of Patents and Trademarks to issue said United States Patents, and also authorizes and requests the Commissioner of Patents and Trademarks or any equivalent thereof of any country designated or yet to be designated in the above-referenced PCT Applications, to said RECEIVING PARTY, of the entire right, title, and interest in and to the same, for its sole use and benefit; and for the use and benefit of its legal representatives, to the full end of the term for which said Patents may be granted, as fully and entirely as the same would have been held by the CONVEYING PARTY had this assignment and sale not been made.

Executed at White Plains, New York this 19 day of
December 2001.

GIANTBEAR, INC.

By: [Signature]

Printed Name: James Green

Title: Chief Executive Officer

STATE OF New York
COUNTY OF Bronx ;

On Dec 19, 2001, before me, a Notary Public in and for said State, personally appeared James Green, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument. WITNESS my hand and official seal.

(SEAL)

[Signature]
Signature

Joshua K rver

From: Jan Riggs [jan.riggs@infospace.com]
Sent: Tuesday, February 05, 2002 1:44 PM
T : 'JKorver@merchant-gould.com'
Subject: FW: GB patent entitled "A Method and System For Wireless Audio Me ssag e Delivery" - Our P180 - Your 50036.9US1
Importance: High

Hi Josh,

Looks like the inventor addresses are accurate except for one, William Schaefer (see below). One of the inventors, Eric Chan, is now employed with InfoSpace here in Bellevue, therefore, you can send his documents to me and I can deliver them to him or you can mail to his residence and just advise that I could notarize his signature (if a Notary is needed). For phone numbers and email addresses, I will send a letter to each inventor asking for updated information, along with country of citizenship.

Let me know if there is anything further you need on this matter.

Best regards,

Jan Riggs, Associate Paralegal
InfoSpace, Inc.
601 108th Ave. NE, Suite 1200
Bellevue, WA 98004
Phone (425) 201-8923
Fax (425) 201-6167
email: jriggs@infospace.com

This email and any attachments may contain confidential information which is legally privileged. The information is solely for the use of the addressee(s) named above. If you are not the intended recipient, any disclosure, copying, distribution or other use of this information is strictly prohibited. If you have received this email in error, please notify the sender by return email and delete this message.

-----Original Message-----

From: Mary Babaja
Sent: Tuesday, February 05, 2002 1:16 PM
To: Jan Riggs
Cc: David Zimmerman
Subject: RE: GB patent entitled "A Method and System For Wireless Audio Messag e Delivery" - Our P180
Importance: High

Jan:

I took a look at the listing you have below and to my knowledge it is all correct, except for William J. Schaefer. William now resides at 159 E Elm Street, Greenwich, CT 06830

FYI- Eric K. Chan's address is accurate, but he is now an InfoSpace employee.

Thank you,

Mary Babaja

Mary I. Babaja
Senior Accountant
GiantBear, Inc.

EXHIBIT 5

02/05/2002

(914) 272-1390

-----Original Message-----

From: David Zimmerman [mailto:david.zimmerman@encodasystems.com]

Sent: Tuesday, February 05, 2002 3:49 PM

To: Mary Babaja

Subject: FW: GB patent entitled "A Method and System For Wireless Audio Message Delivery" - Our P180

Importance: High

Mary,

Do you have up to date address or phone information for the people below? (Maybe for sending out their W-2s?)

If so, can you follow up with Jan Riggs at InfoSpace to get her that info?

Thanks,
David

-----Original Message-----

From: Jan Riggs [mailto:jan.riggs@infospace.com]

Sent: Tuesday, February 05, 2002 3:41 PM

To: 'david.zimmerman@encodasystems.com'

Cc: Laraine Ward

Subject: GB patent entitled "A Method and System For Wireless Audio Message Delivery" - Our P180

Importance: High

Dear Mr. Zimmerman,

We are contacting you regarding a Giant Bear patent that we recently acquired. We are preparing documents to file with the U.S. Patent and Trademark Office and are seeking current information on the following six (6) inventors:

1. David B. Annan, 1173 Middlegate Road, Oakville, Ontario, Canada L6M 1M5
2. ~~Eric K. Chan, 7840 Thormanby Crescent, Richmond, BC Canada V7C 4G3~~
3. Eddie S. DeCurtis, 1430 Bent Trail Circle, Southlake, TX 76092
4. Teresa L. Stephens, 24 Bridge St., Westport, CT 06880
5. George L. Lasota, Jr., 100 U.N. Plaza, 10F, New York, NY 10017
6. ~~William J. Schaefer, Mohawk Trail, Charlemont, MA 01339~~

Could you please advise if the addresses listed above are current for each inventor? In addition, if you could provide any phone numbers or email addresses for the listed inventors, that would be greatly appreciated.

Thank you for your assistance. If you have any questions, please contact me at 425-201-8923.

Best Regards,
Jan Riggs, Associate Paralegal
InfoSpace, Inc.

02/05/2002

601 108th Ave. NE, Suite 1200
Bellevue, WA 98004
Phone (425) 201-8923
Fax (425) 201-6167
email: jriggs@infospace.com

This email and any attachments may contain confidential information which is legally privileged. The information is solely for the use of the addressee(s) named above. If you are not the intended recipient, any disclosure, copying, distribution or other use of this information is strictly prohibited. If you have received this email in error, please notify the sender by return email and delete this message.

Jan Riggs, Associate Paralegal
InfoSpace, Inc.
601 108th Ave. NE, Suite 1200
Bellevue, WA 98004
Phone (425) 201-8923
Fax (425) 201-6167
email: jriggs@infospace.com

This email and any attachments may contain confidential information which is legally privileged. The information is solely for the use of the addressee(s) named above. If you are not the intended recipient, any disclosure, copying, distribution or other use of this information is strictly prohibited. If you have received this email in error, please notify the sender by return email and delete this message.

Merchant & Gould

An Intellectual Property Law Firm

1191 Second Avenue
Suite 1500
Seattle, Washington
98101-3420 USA
TEL 206.342.6200
FAX 206.342.6201
www.merchant-gould.com

Direct Contact | 206.342.6252
jbranch@merchant-gould.com

A Professional Corporation

February 6, 2002

Via Federal Express

Teresa L. Stephens
24 Bridge Street
Westport, CT 06880

Re: Title: A METHOD AND SYSTEM FOR WIRELESS AUDIO
MESSAGE DELIVERY
Inventor: Annan et al.
Filed: October 16, 2001
Serial No: 09/981,777
Our Ref.: 50036.9USU1

Action Requested: Please review and sign the enclosed corrected Combined Declaration and Power of Attorney, and return to us by February 12, 2002.

Dear Ms. Stephens:

A previous version of this correspondence was sent to you on February 1, 2002. However, corrections were required for the previous Declaration and Power of Attorney that we sent you. This correspondence provides a corrected version of the document.

As we mentioned in our previous letter, Giantbear, Inc. assigned their rights to Infospace, Inc. for the above-identified patent application. As a result, Merchant & Gould will be handling further prosecution for the above-identified patent application. Since you are listed as an inventor on the patent application, I am enclosing a corrected Combined Declaration and Power of Attorney document for your review and signature as described below.

Combined Declaration and Power of Attorney

The U.S. Patent and Trademark Office requires each inventor to review the patent application as filed and sign and date a copy of the Combined Declaration and Power of Attorney where indicated. If any changes are needed in the document, please contact us at your earliest convenience.

EXHIBIT 7

Minneapolis/St. Paul
Denver
Seattle
Atlanta

Teresa L. Stephens
February 6, 2002
Page 2

Once executed, please fax us a copy of the document (fax# (206) 342-6201) and return the original signed document to us with the self-addressed, Federal Express envelope provided.

If you have any questions or concerns, please contact me.

Very truly yours,

MERCHANT & GOULD P.C.

A handwritten signature in black ink, appearing to read "John W. Branch", is written over the printed name.

John W. Branch

JWB/JWK/jb

Enclosures:

Corrected Combined Declaration and Power of Attorney
Patent Application

cc: Laraine M. Ward (w/o encl.)



Get Green

find person
or businessfind area
code

find zip code

find email

find web site

ANNOUNCEMENT!

Rela

Search Services

find a person
find a business
find an area code
find a zip code
find an email
find a web site

Advanced Searches

find by phone number
find by address

Other

make a map
int'l directories
toll free numbers
info center

**CANADIAN
LISTINGS**
now available at
WhitePages.com

Best Data! WhitePages.com's searches are now greatly improved!
Click here for details!

No Luck? Try Public Records!

Find old high school friends

Sorry, no listings were found. You may also try your
search at USSEARCH.com.



Public Records Search [Click Here!](#)

Find a Person**First Name**

Teresa ☐ Is exactly ☒

Last Name

Stephens ☐ Is exactly ☒

City or Zip

State or Province

Connecticut ☒

[search hints](#)
Look Up by Phone Number**Look Up by Address****Find a Business****Business Type**

e.g., coffee [\(View List\)](#)

And/or Name

e.g., Starbucks

City

State

Connecticut ☒

Ge
blue
and
car

featured links

L werMyBills.com - 4.5 Cent Flat Rate Long Distance PLUS 100 Free Minutes!!!

EXHIBIT

8

.../find_person.pl?f=Teresa&l=Stephens&c=&s=CT&p=&pt=&ac=&s_n=&s_a=&ft=eq<=d03/11/2002

[find person](#) | [find area code](#) | [find zip code](#) | [make map](#) | [find web site](#) | [find email](#)
[international directories](#) | [toll free numbers](#)
[help](#) | [about us](#) | [power your site](#)



Copyright ©1996-2002 WhitePages.com. All rights reserved.



SEARCH the web

Search

Yellow Pages

White Pages

Classifieds

Shopping

Hot Air Fare Deals!
People Search
Online Casinos
Gamesville

[View photos of singles](#)
[Find High School Alumni](#)
[Travel Deals!](#)
[Criminal Records - \\$25/yr](#)

make sure people know

register.com

www.

REGISTER

YOU ARE HERE > [Home](#) > [My InfoSpace](#) > [White Pages](#) > [Phone & Address Search](#) > Listings

Listings

Searching for: Teresa Stephens CT US

TRY PUBLIC RECORDS!

- ♥ [Quality Personals](#) ⚖ [Criminal Recs \\$25/yr](#) 🌸 [Send Flowers!](#)
➔ [Travel Deals](#) 🗑 [People Find \\$19.95](#) 🖥 [Online Class Reunion](#)

Sorry, no matches were found.

- ➔ [Add your listing to the White Pages](#)
➔ [Search for public records on US SEARCH.com](#)
➔ [Find at ClassMates.com](#)
➔ [People Search No Info No Charge only \\$19.95!](#)
➔ [Low Fares to CT!](#)

Refine Your Search

Last Name
(required for Canada)

First Name/Initial

City

State/Province
(required for US and Canada) ☒

☐ Including Surrounding Region (U.S. Only)

Country
(required) ☒

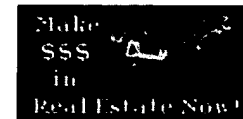
Find

Note: To search a country not listed above, see our list of [World Directories](#).

More People: [Search the Public Information Portal on US SEARCH](#)
[Looking for Old Friends? Try ClassMates.com!](#)
[Search Criminal Records for \\$25/year](#)

data by **ACTION**

Find businesses
Related Links



Rates Are Low!



- [Add Your Listing](#)
- [Low Fares to CT!](#)
- [Play Games Win Cash!](#)
- [Photos of Singles](#)
- [Quality Personals](#)
- [Travel Deals](#)
- [Stock Quotes](#)
- [Criminal Records - \\$25/year](#)
- [Home Loans](#)

Other Services

- [Address Book](#)
- [Phone & Address Search](#)
- [Email Search](#)
- [Reverse Lookup](#)
- [Yellow Pages](#)
- [Classifieds](#)
- [Search the Web](#)
- [PageGreetings](#)







EXHIBIT

9

Can't Find Them in the White Pages?powered by USSEARCH.com

Search 1000's of Public Databases with one click! Find Addresses, Property, Licenses, Court Records and much, much more...

First:	<input type="text"/>	Last:	<input type="text"/>
Street:	<input type="text"/>	City:	<input type="text"/>
State:	<input type="text"/>	Zip:	<input type="text"/>
			<input type="button" value="Submit"/>

	<input type="text" value="SEARCH the web"/>	<input type="text"/>	<input type="button" value="Search"/>	
 Yellow Pages	 White Pages	 Classifieds	 Shopping	

[Verizon Online](#)
[Travel Deals](#)
[Ameritrade](#)

make sure people know		register.com
<input type="text" value="www."/>	<input type="text"/>	<input type="button" value="REGISTER"/>

InfoSpace, the InfoSpace Logo, and related marks are trademarks of InfoSpace, Inc.

© 2002 InfoSpace, Inc. All rights reserved.

[Frequently Asked Questions](#) | [Contact InfoSpace](#) | [Legal Notices](#)

[Make InfoSpace Your Home Page](#)



United States Patent Application

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: A METHOD AND SYSTEM FOR WIRELESS AUDIO MESSAGE DELIVERY.

The specification of which

- a. ☐ is attached hereto
b. ☒ was filed on October 16, 2001 as application serial no. 09/981,777 and was amended on (if applicable) (in the case of a PCT-filed application) described and claimed in international no. filed and as amended on (if any), which I have reviewed and for which I solicit a United States patent.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

- a. ☒ no such applications have been filed.
b. ☐ such applications have been filed as follows:

FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC § 119			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)

ALL FOREIGN APPLICATION(S), IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S)			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

U.S. PROVISIONAL APPLICATION NUMBER	DATE OF FILING (Day, Month, Year)
60/240,642	October 16, 2000

I acknowledge the duty to disclose information that is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (reprinted below):

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

(e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Albrecht, John W.	Reg. No. 40,481	Leonard, Christopher J.	Reg. No. 41,940
Ali, M. Jeffer	Reg. No. 46,359	Liepa, Mara E.	Reg. No. 40,066
Altera, Allan G.	Reg. No. 40,274	Lindquist, Timothy A.	Reg. No. 40,701
Anderson, Gregg I.	Reg. No. 28,828	Lown, Jean A.	Reg. No. 48,428
Batzli, Brian H.	Reg. No. 32,960	Mayfield, Denise L.	Reg. No. 33,732
Beard, John L.	Reg. No. 27,612	McDonald, Daniel W.	Reg. No. 32,044
Berns, John M.	Reg. No. 43,496	McIntyre, Jr., William F.	Reg. No. 44,921
Branch, John W.	Reg. No. 41,633	Mitchem, M. Todd	Reg. No. 40,731
Brown, Jeffrey C.	Reg. No. 41,643	Mueller, Douglas P.	Reg. No. 30,300
Bruess, Steven C.	Reg. No. 34,130	Nelson, Anna M.	Reg. No. 48,935
Byrne, Linda M.	Reg. No. 32,404	Paley, Kenneth B.	Reg. No. 38,989
Campbell, Keith	Reg. No. 46,597	Parsons, Nancy J.	Reg. No. 40,364
Carlson, Alan G.	Reg. No. 25,959	Pauly, Daniel M.	Reg. No. 40,123
Caspers, Philip P.	Reg. No. 33,227	Phillips, John B.	Reg. No. 37,206
Clifford, John A.	Reg. No. 30,247	Pino, Mark J.	Reg. No. 43,858
Cook, Jeffrey	Reg. No. 48,649	Prendergast, Paul	Reg. No. 46,068
Daignault, Ronald A.	Reg. No. 25,968	Pytel, Melissa J.	Reg. No. 41,512
Daley, Dennis R.	Reg. No. 34,994	Qualey, Terry	Reg. No. 25,148
Daulton, Julie R.	Reg. No. 36,414	Reich, John C.	Reg. No. 37,703
DeVries Smith, Katherine M.	Reg. No. 42,157	Reiland, Earl D.	Reg. No. 25,767
DiPietro, Mark J.	Reg. No. 28,707	Samuels, Lisa A.	Reg. No. 43,080
Doscotch, Matthew A.	Reg. No. P-48,957	Schmaltz, David G.	Reg. No. 39,828
Edell, Robert T.	Reg. No. 20,187	Schuman, Mark D.	Reg. No. 31,197
Epp Ryan, Sandra	Reg. No. 39,667	Schumann, Michael D.	Reg. No. 30,422
Glance, Robert J.	Reg. No. 40,620	Scull, Timothy B.	Reg. No. 42,137
Goff, Jared S.	Reg. No. 44,716	Sebald, Gregory A.	Reg. No. 33,280
Goggin, Matthew J.	Reg. No. 44,125	Skoog, Mark T.	Reg. No. 40,178
Golla, Charles E.	Reg. No. 26,896	Spellman, Steven J.	Reg. No. 45,124
Gorman, Alan G.	Reg. No. 38,472	Stewart, Alan R.	Reg. No. 47,974
Gould, John D.	Reg. No. 18,223	Stoll-DeBell, Kirstin L.	Reg. No. 43,164
Gregson, Richard	Reg. No. 41,804	Sullivan, Timothy	Reg. No. 47,981
Gresens, John J.	Reg. No. 33,112	Sumner, John P.	Reg. No. 29,114
Hamer, Samuel A.	Reg. No. 46,754	Swenson, Erik G.	Reg. No. 45,147
Hamre, Curtis B.	Reg. No. 29,165	Tellekson, David K.	Reg. No. 32,314
Harrison, Kevin C.	Reg. No. 46,759	Trembath, Jon R.	Reg. No. 38,344
Hertzberg, Brett A.	Reg. No. 42,660	Tunheim, Marcia A.	Reg. No. 42,189
Hillson, Randall A.	Reg. No. 31,838	Underhill, Albert L.	Reg. No. 27,403
Holzer, Jr., Richard J.	Reg. No. 42,668	Vandenburgh, J. Derek	Reg. No. 32,179
Hope, Leonard J.	Reg. No. 44,774	Wahl, John R.	Reg. No. 33,044
Jardine, John S.	Reg. No. P-48,835	Weaver, Paul L.	Reg. No. 48,640
Johns, Nicholas P.	Reg. No. 48,995	Welter, Paul A.	Reg. No. 20,890
Johnston, Scott W.	Reg. No. 39,721	Whipps, Brian	Reg. No. 43,261
Kadievitch, Natalie D.	Reg. No. 34,196	Whitaker, John E.	Reg. No. 42,222
Kaseburg, Frederick A.	Reg. No. 47,695	Wier, David D.	Reg. No. P-48,229
Kettelberger, Denise	Reg. No. 33,924	Williams, Douglas J.	Reg. No. 27,054
Keys, Jeramie J.	Reg. No. 42,724	Withers, James D.	Reg. No. 40,376
Knearl, Homer L.	Reg. No. 21,197	Witt, Jonelle	Reg. No. 41,980
Kwalchuk, Alan W.	Reg. No. 31,535	Wong, Thomas S.	Reg. No. 48,577
Kowalchuk, Katherine M.	Reg. No. 36,848	Wu, Tong	Reg. No. 43,361
Lacy, Paul E.	Reg. No. 38,946	Young, Thomas	Reg. No. 25,796
Larson, James A.	Reg. No. 40,443	Zeuli, Anthony R.	Reg. No. 45,255

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/ organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Merchant & Gould P.C. to the contrary.

I understand that the execution of this document, and the grant of a power of attorney, does not in itself establish an attorney-client relationship between the undersigned and the law firm Merchant & Gould P.C., or any of its attorneys. Please direct all correspondence in this case to Merchant & Gould P.C. at the address indicated below:

Merchant & Gould P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903



I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2	Full Name Of Inventor	Family Name ANNAN	First Given Name DAVID	Second Given Name B.
0	Residence & Citizenship	City OAKVILLE	State or Foreign Country ONTARIO	Country of Citizenship CANADA
1	Mailing Address	Address 1173 MIDDLEGATE ROAD	City OAKVILLE	State & Zip Code/Country CANADA / L6M 1M5
Signature of Inventor 201: <i>David B. Annan</i>			Date: <i>March 12/2002</i>	
2	Full Name Of Inventor	Family Name CHAN	First Given Name ERIC	Second Given Name K.
0	Residence & Citizenship	City RICHMOND	State or Foreign Country BRITISH COLUMBIA	Country of Citizenship CANADA
2	Mailing Address	Address 7840 THORMANBY CRESCENT	City RICHMOND	State & Zip Code/Country CANADA / V7C 4G3
Signature of Inventor 202:			Date:	
2	Full Name Of Inventor	Family Name DeCURTIS	First Given Name EDDIE	Second Given Name S.
0	Residence & Citizenship	City SOUTHLAKE	State or Foreign Country TEXAS	Country of Citizenship USA
3	Mailing Address	Address 1430 BENT TRAIL CIRCLE	City SOUTHLAKE	State & Zip Code/Country TEXAS 76092 / USA
Signature of Inventor 203:			Date:	
2	Full Name Of Inventor	Family Name STEPHENS	First Given Name TERESA	Second Given Name L.
0	Residence & Citizenship	City WESTPORT	State or Foreign Country CONNECTICUT	Country of Citizenship USA
4	Mailing Address	Address 24 BRIDGE STREET	City WESTPORT	State & Zip Code/Country CONNECTICUT 06880 / USA
Signature of Inventor 204:			Date:	

2	Full Name Of Inventor	Family Name LASOTA, JR.	First Given Name GEORGE	Second Given Name L.
0	Residence & Citizenship	City NEW YORK	State or Foreign Country NEW YORK	Country of Citizenship USA
5	Mailing Address	Address 100 U.N. PLAZA, 10F	City NEW YORK	State & Zip Code/Country NEW YORK 10017 / USA
Signature of Inventor 205:				Date:
2	Full Name Of Inventor	Family Name SCHAEFER	First Given Name WILLIAM	Second Given Name J.
0	Residence & Citizenship	City GREENWICH	State or Foreign Country CONNECTICUT	Country of Citizenship USA
6	Mailing Address	Address 159 EAST ELM STREET	City GREENWICH	State & Zip Code/Country CONNECTICUT 06830 / USA
Signature of Inventor 206:				Date:



MERCHANT & GOULD P.C.

COPY OF PAPERS
ORIGINALLY FILED

United States Patent Application

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: A METHOD AND SYSTEM FOR WIRELESS AUDIO MESSAGE DELIVERY.

The specification of which

- a. ☐ is attached hereto
 b. ☒ was filed on October 16, 2001 as application serial no. 09/981,777 and was amended on (if applicable) (in the case of a PCT-filed application) described and claimed in international no. filed and as amended on (if any), which I have reviewed and for which I solicit a United States patent.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

- a. ☒ no such applications have been filed.
 b. ☐ such applications have been filed as follows:

FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC § 119			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)
ALL FOREIGN APPLICATION(S), IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S)			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

U.S. PROVISIONAL APPLICATION NUMBER	DATE OF FILING (Day, Month, Year)
60/240,642	Oct ber 16, 2000

I acknowledge the duty to disclose information that is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (reprinted below):

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim;
- or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

(e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Albrecht, John W.	Reg. No. 40,481	Leonard, Christopher J.	Reg. No. 41,940
Ali, M. Jeffer	Reg. No. 46,359	Liepa, Mara E.	Reg. No. 40,066
Altera, Allan G.	Reg. No. 40,274	Lindquist, Timothy A.	Reg. No. 40,701
Anderson, Gregg I.	Reg. No. 28,828	Lown, Jean A.	Reg. No. 48,428
Batzli, Brian H.	Reg. No. 32,960	Mayfield, Denise L.	Reg. No. 33,732
Beard, John L.	Reg. No. 27,612	McDonald, Daniel W.	Reg. No. 32,044
Berns, John M.	Reg. No. 43,496	McIntyre, Jr., William F.	Reg. No. 44,921
Branch, John W.	Reg. No. 41,633	Mitchem, M. Todd	Reg. No. 40,731
Brown, Jeffrey C.	Reg. No. 41,643	Mueller, Douglas P.	Reg. No. 30,300
Bruess, Steven C.	Reg. No. 34,130	Nelson, Anna M.	Reg. No. 48,935
Byrne, Linda M.	Reg. No. 32,404	Paley, Kenneth B.	Reg. No. 38,989
Campbell, Keith	Reg. No. 46,597	Parsons, Nancy J.	Reg. No. 40,364
Carlson, Alan G.	Reg. No. 25,959	Pauly, Daniel M.	Reg. No. 40,123
Caspers, Philip P.	Reg. No. 33,227	Phillips, John B.	Reg. No. 37,206
Clifford, John A.	Reg. No. 30,247	Pino, Mark J.	Reg. No. 43,858
Cook, Jeffrey	Reg. No. 48,649	Prendergast, Paul	Reg. No. 46,068
Daignault, Ronald A.	Reg. No. 25,968	Pytel, Melissa J.	Reg. No. 41,512
Daley, Dennis R.	Reg. No. 34,994	Qualey, Terry	Reg. No. 25,148
Daulton, Julie R.	Reg. No. 36,414	Reich, John C.	Reg. No. 37,703
DeVries Smith, Katherine M.	Reg. No. 42,157	Reiland, Earl D.	Reg. No. 25,767
DiPietro, Mark J.	Reg. No. 28,707	Samuels, Lisa A.	Reg. No. 43,080
Doscotch, Matthew A.	Reg. No. P-48,957	Schmaltz, David G.	Reg. No. 39,828
Edell, Robert T.	Reg. No. 20,187	Schuman, Mark D.	Reg. No. 31,197
Epp Ryan, Sandra	Reg. No. 39,667	Schumann, Michael D.	Reg. No. 30,422
Glance, Robert J.	Reg. No. 40,620	Scull, Timothy B.	Reg. No. 42,137
Goff, Jared S.	Reg. No. 44,716	Sebald, Gregory A.	Reg. No. 33,280
Goggin, Matthew J.	Reg. No. 44,125	Skoog, Mark T.	Reg. No. 40,178
Golla, Charles E.	Reg. No. 26,896	Spellman, Steven J.	Reg. No. 45,124
Gorman, Alan G.	Reg. No. 38,472	Stewart, Alan R.	Reg. No. 47,974
Gould, John D.	Reg. No. 18,223	Stoll-DeBell, Kirstin L.	Reg. No. 43,164
Gregson, Richard	Reg. No. 41,804	Sullivan, Timothy	Reg. No. 47,981
Gresens, John J.	Reg. No. 33,112	Sumner, John P.	Reg. No. 29,114
Hamer, Samuel A.	Reg. No. 46,754	Swenson, Erik G.	Reg. No. 45,147
Hamre, Curtis B.	Reg. No. 29,165	Tellekson, David K.	Reg. No. 32,314
Harrison, Kevin C.	Reg. No. 46,759	Trembath, Jon R.	Reg. No. 38,344
Hertzberg, Brett A.	Reg. No. 42,660	Tunheim, Marcia A.	Reg. No. 42,189
Hillson, Randall A.	Reg. No. 31,838	Underhill, Albert L.	Reg. No. 27,403
Holzer, Jr., Richard J.	Reg. No. 42,668	Vandenburgh, J. Derek	Reg. No. 32,179
Hope, Leonard J.	Reg. No. 44,774	Wahl, John R.	Reg. No. 33,044
Jardine, John S.	Reg. No. P-48,835	Weaver, Paul L.	Reg. No. 48,640
Johns, Nicholas P.	Reg. No. 48,995	Welter, Paul A.	Reg. No. 20,890
Johnston, Scott W.	Reg. No. 39,721	Whipps, Brian	Reg. No. 43,261
Kadievitch, Natalie D.	Reg. No. 34,196	Whitaker, John E.	Reg. No. 42,222
Kaseburg, Frederick A.	Reg. No. 47,695	Wier, David D.	Reg. No. P-48,229
Kettelberger, Denise	Reg. No. 33,924	Williams, Douglas J.	Reg. No. 27,054
Keys, Jeramie J.	Reg. No. 42,724	Withers, James D.	Reg. No. 40,376
Knearl, Homer L.	Reg. No. 21,197	Witt, Jonelle	Reg. No. 41,980
Kowalchyk, Alan W.	Reg. No. 31,535	Wong, Thomas S.	Reg. No. 48,577
Kowalchyk, Katherine M.	Reg. No. 36,848	Wu, Tong	Reg. No. 43,361
Lacy, Paul E.	Reg. No. 38,946	Young, Thomas	Reg. No. 25,796
Larson, James A.	Reg. No. 40,443	Zeuli, Anthony R.	Reg. No. 45,255

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/ organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Merchant & Gould P.C. to the contrary.

I understand that the execution of this document, and the grant of a power of attorney, does not in itself establish an attorney-client relationship between the undersigned and the law firm Merchant & Gould P.C., or any of its attorneys. Please direct all correspondence in this case to Merchant & Gould P.C. at the address indicated below:

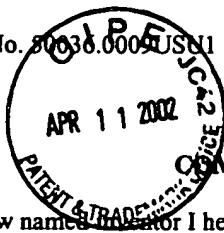
Merchant & Gould P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903



I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2	Full Name Of Inventor	Family Name ANNAN	First Given Name DAVID	Second Given Name B.
0	Residence & Citizenship	City OAKVILLE	State or Foreign Country ONTARIO	Country of Citizenship CANADA
1	Mailing Address	Address 1173 MIDDLEGATE ROAD	City OAKVILLE	State & Zip Code/Country CANADA / L6M 1M5
Signature of Inventor 201:				Date:
2	Full Name Of Inventor	Family Name CHAN	First Given Name ERIC	Second Given Name K.
0	Residence & Citizenship	City RICHMOND	State or Foreign Country BRITISH COLUMBIA	Country of Citizenship CANADA
2	Mailing Address	Address 7840 THORMANBY CRESCENT	City RICHMOND	State & Zip Code/Country CANADA / V7C 4G3
Signature of Inventor 202:				Date: Feb. 6, 2002
2	Full Name Of Inventor	Family Name DeCURTIS	First Given Name EDDIE	Second Given Name S.
0	Residence & Citizenship	City SOUTHLAKE	State or Foreign Country TEXAS	Country of Citizenship USA
3	Mailing Address	Address 1430 BENT TRAIL CIRCLE	City SOUTHLAKE	State & Zip Code/Country TEXAS / 76092
Signature of Inventor 203:				Date:
2	Full Name Of Inventor	Family Name STEPHENS	First Given Name TERESA	Second Given Name L.
0	Residence & Citizenship	City WESTPORT	State or Foreign Country CONNECTICUT	Country of Citizenship USA
4	Mailing Address	Address 24 BRIDGE STREET	City WESTPORT	State & Zip Code/Country CONNECTICUT / 06880
Signature of Inventor 204:				Date:

2 0 5	Full Name Of Inventor	Family Name LASOTA, JR.	First Given Name GEORGE	Second Given Name L.
	Residence & Citizenship	City NEW YORK	State or Foreign Country NEW YORK	Country of Citizenship USA
	Mailing Address	Address 100 U.N. PLAZA, 10F	City NEW YORK	State & Zip Code/Country NEW YORK / 10017
Signature of Inventor 205:				Date:
2 0 6	Full Name Of Inventor	Family Name SCHAEFER	First Given Name WILLIAM	Second Given Name J.
	Residence & Citizenship	City GREENWICH	State or Foreign Country CONNECTICUT	Country of Citizenship USA
	Mailing Address	Address 159 EAST ELM STREET	City GREENWICH	State & Zip Code/Country CONNECTICUT 06830 / USA
Signature of Inventor 206:				Date:



MERCHANT & GOULD P.C.

COPY OF PAPERS
ORIGINALLY FILED

United States Patent Application

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: A METHOD AND SYSTEM FOR WIRELESS AUDIO MESSAGE DELIVERY.

The specification of which

- a. ☐ is attached hereto
 b. ☒ was filed on October 16, 2001 as application serial no. 09/981,777 and was amended on (if applicable) (in the case of a PCT-filed application) described and claimed in international no. filed and as amended on (if any), which I have reviewed and for which I solicit a United States patent.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

- a. ☒ no such applications have been filed.
 b. ☐ such applications have been filed as follows:

FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC § 119			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)
ALL FOREIGN APPLICATION(S), IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S)			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

U.S. PROVISIONAL APPLICATION NUMBER	DATE OF FILING (Day, Month, Year)
60/240,642	October 16, 2000

I acknowledge the duty to disclose information that is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (reprinted below):

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

(1) prior art cited in search reports of a foreign patent office in a counterpart application, and

(2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

(1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim;

or

(2) It refutes, or is inconsistent with, a position the applicant takes in:

(i) Opposing an argument of unpatentability relied on by the Office, or

(ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

(1) Each inventor named in the application;

(2) Each attorney or agent who prepares or prosecutes the application; and

(3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

(e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Albrecht, John W.	Reg. No. 40,481	Leonard, Christopher J.	Reg. No. 41,940
Ali, M. Jeffer	Reg. No. 46,359	Liepa, Mara E.	Reg. No. 40,066
Altera, Allan G.	Reg. No. 40,274	Lindquist, Timothy A.	Reg. No. 40,701
Anderson, Gregg I.	Reg. No. 28,828	Lown, Jean A.	Reg. No. 48,428
Batzli, Brian H.	Reg. No. 32,960	Mayfield, Denise L.	Reg. No. 33,732
Beard, John L.	Reg. No. 27,612	McDonald, Daniel W.	Reg. No. 32,044
Berns, John M.	Reg. No. 43,496	McIntyre, Jr., William F.	Reg. No. 44,921
Branch, John W.	Reg. No. 41,633	Mitchem, M. Todd	Reg. No. 40,731
Brown, Jeffrey C.	Reg. No. 41,643	Mueller, Douglas P.	Reg. No. 30,300
Bruess, Steven C.	Reg. No. 34,130	Nelson, Anna M.	Reg. No. 48,935
Byrne, Linda M.	Reg. No. 32,404	Paley, Kenneth B.	Reg. No. 38,989
Campbell, Keith	Reg. No. 46,597	Parsons, Nancy J.	Reg. No. 40,364
Carlson, Alan G.	Reg. No. 25,959	Pauly, Daniel M.	Reg. No. 40,123
Caspers, Philip P.	Reg. No. 33,227	Phillips, John B.	Reg. No. 37,206
Clifford, John A.	Reg. No. 30,247	Pino, Mark J.	Reg. No. 43,858
Cook, Jeffrey	Reg. No. 48,649	Prendergast, Paul	Reg. No. 46,068
Daignault, Ronald A.	Reg. No. 25,968	Pytel, Melissa J.	Reg. No. 41,512
Daley, Dennis R.	Reg. No. 34,994	Qualey, Terry	Reg. No. 25,148
Daulton, Julie R.	Reg. No. 36,414	Reich, John C.	Reg. No. 37,703
DeVries Smith, Katherine M.	Reg. No. 42,157	Reiland, Earl D.	Reg. No. 25,767
DiPietro, Mark J.	Reg. No. 28,707	Samuels, Lisa A.	Reg. No. 43,080
Doscotch, Matthew A.	Reg. No. P-48,957	Schmaltz, David G.	Reg. No. 39,828
Edell, Robert T.	Reg. No. 20,187	Schuman, Mark D.	Reg. No. 31,197
Epp Ryan, Sandra	Reg. No. 39,667	Schumann, Michael D.	Reg. No. 30,422
Glance, Robert J.	Reg. No. 40,620	Scull, Timothy B.	Reg. No. 42,137
Goff, Jared S.	Reg. No. 44,716	Sebald, Gregory A.	Reg. No. 33,280
Goggin, Matthew J.	Reg. No. 44,125	Skoog, Mark T.	Reg. No. 40,178
Golla, Charles E.	Reg. No. 26,896	Spellman, Steven J.	Reg. No. 45,124
Gorman, Alan G.	Reg. No. 38,472	Stewart, Alan R.	Reg. No. 47,974
Gould, John D.	Reg. No. 18,223	Stoll-DeBell, Kirstin L.	Reg. No. 43,164
Gregson, Richard	Reg. No. 41,804	Sullivan, Timothy	Reg. No. 47,981
Gresens, John J.	Reg. No. 33,112	Sumner, John P.	Reg. No. 29,114
Hamer, Samuel A.	Reg. No. 46,754	Swenson, Erik G.	Reg. No. 45,147
Hamre, Curtis B.	Reg. No. 29,165	Tellekson, David K.	Reg. No. 32,314
Harrison, Kevin C.	Reg. No. 46,759	Trembath, Jon R.	Reg. No. 38,344
Hertzberg, Brett A.	Reg. No. 42,660	Tunheim, Marcia A.	Reg. No. 42,189
Hillson, Randall A.	Reg. No. 31,838	Underhill, Albert L.	Reg. No. 27,403
Hilzer, Jr., Richard J.	Reg. No. 42,668	Vandenburgh, J. Derek	Reg. No. 32,179
Hope, Leonard J.	Reg. No. 44,774	Wahl, John R.	Reg. No. 33,044
Jardine, John S.	Reg. No. P-48,835	Weaver, Paul L.	Reg. No. 48,640
Johns, Nicholas P.	Reg. No. 48,995	Welter, Paul A.	Reg. No. 20,890
Johnston, Scott W.	Reg. No. 39,721	Whipps, Brian	Reg. No. 43,261
Kadievitch, Natalie D.	Reg. No. 34,196	Whitaker, John E.	Reg. No. 42,222
Kaseburg, Frederick A.	Reg. No. 47,695	Wier, David D.	Reg. No. P-48,229
Kettelberger, Denise	Reg. No. 33,924	Williams, Douglas J.	Reg. No. 27,054
Keys, Jeramie J.	Reg. No. 42,724	Withers, James D.	Reg. No. 40,376
Knearl, Homer L.	Reg. No. 21,197	Witt, Jonelle	Reg. No. 41,980
Kowalchyk, Alan W.	Reg. No. 31,535	Wong, Thomas S.	Reg. No. 48,577
Kowalchyk, Katherine M.	Reg. No. 36,848	Wu, Tong	Reg. No. 43,361
Lacy, Paul E.	Reg. No. 38,946	Young, Thomas	Reg. No. 25,796
Larson, James A.	Reg. No. 40,443	Zeuli, Anthony R.	Reg. No. 45,255

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/ organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Merchant & Gould P.C. to the contrary.

I understand that the execution of this document, and the grant of a power of attorney, does not in itself establish an attorney-client relationship between the undersigned and the law firm Merchant & Gould P.C., or any of its attorneys. Please direct all correspondence in this case to Merchant & Gould P.C. at the address indicated below:

Merchant & Gould P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903



I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2	Full Name Of Inventor	Family Name ANNAN	First Given Name DAVID	Second Given Name B.
0	Residence & Citizenship	City OAKVILLE	State or Foreign Country ONTARIO	Country of Citizenship CANADA
1	Mailing Address	Address 1173 MIDDLEGATE ROAD	City OAKVILLE	State & Zip Code/Country CANADA / L6M 1M5
Signature of Inventor 201:				Date:
2	Full Name Of Inventor	Family Name CHAN	First Given Name ERIC	Second Given Name K.
0	Residence & Citizenship	City RICHMOND	State or Foreign Country BRITISH COLUMBIA	Country of Citizenship CANADA
2	Mailing Address	Address 7840 THORMANBY CRESCENT	City RICHMOND	State & Zip Code/Country CANADA / V7C 4G3
Signature of Inventor 202:				Date:
2	Full Name Of Inventor	Family Name DeCURTIS	First Given Name EDDIE	Second Given Name S.
0	Residence & Citizenship	City SOUTHLAKE	State or Foreign Country TEXAS	Country of Citizenship USA
3	Mailing Address	Address 1430 BENT TRAIL CIRCLE	City SOUTHLAKE	State & Zip Code/Country TEXAS / 76092
Signature of Inventor 203:				Date:
2	Full Name Of Inventor	Family Name STEPHENS	First Given Name TERESA	Second Given Name L.
0	Residence & Citizenship	City WESTPORT	State or Foreign Country CONNECTICUT	Country of Citizenship USA
4	Mailing Address	Address 24 BRIDGE STREET	City WESTPORT	State & Zip Code/Country CONNECTICUT / 06880
Signature of Inventor 204:				Date:

2	Full Name Of Inventor	Family Name LASOTA, JR.	First Given Name GEORGE	Second Given Name L.
0	Residence & Citizenship	City NEW YORK	State or Foreign Country NEW YORK	Country of Citizenship USA
5	Mailing Address	Address 100 U.N. PLAZA, 10F	City NEW YORK	State & Zip Code/Country NEW YORK / 10017
Signature of Inventor 205:			Date:	
2	Full Name Of Inventor	Family Name SCHAEFER	First Given Name WILLIAM	Second Given Name J.
0	Residence & Citizenship	City GREENWICH	State or Foreign Country CONNECTICUT	Country of Citizenship USA
6	Mailing Address	Address 159 EAST ELM STREET	City GREENWICH	State & Zip Code/Country CONNECTICUT 06830 / USA
Signature of Inventor 206:			Date:	
			Feb 7, 02	